

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
David M. Pangrac et al.

2009 MAR 10 PM 3:47

Application No.: 09/748,717

Group Art Unit: 2623

Filed: December 22, 2000

Examiner: Saltarelli, Dominic D.

For: System and method for distributing information  
via a communication network

**REQUEST FOR REFUND**

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

We hereby request a refund for the following fees paid on February 29, 2008:

Extension of time fee for four months (§ 1.17(a)(4))	\$820
Suspension of action (§ 1.17(i))	\$130
<b>Total</b>	<b>\$950</b>

A refund is warranted per the attached Decision by the Office of Petitions, mailed on February 27, 2009. The Decision states in pertinent as follows:

“  
A review the file discloses that a petition fee of \$130 and a four month extension of time were submitted on February 29, 2008. There is no fee required to file a renewed petition under 37 CFR 1.137(b). An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S. 8 USPQ2d 1630, 1631 (Comm'r Pat. 1988). Since the \$820 extension of time fee submitted on February 29, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee and the petition fee of \$130 by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.  
”

Please send the refund to the address indicated below.

Dated: March 6, 2009

Respectfully submitted,

*Benzion Wachsmann* (authorized person)  
Inceptia LLC  
1652 48<sup>th</sup> Street  
Brooklyn, NY 11204  
Tel.: (718) 928-2213



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BENZION A. WACHSMAN**  
**INCEPTIA, LLC**  
**1652 48TH STREET**  
**BROOKLYN NY 11204**

**MAILED**

**FEB 27 2009**

**OFFICE OF PETITIONS**

In re Application of  
David M. **PANGRAC**, et al  
Application No. 09/748,717  
Filed: December 22, 2000  
Attorney Docket No. **ADVENT001US**

**DECISION ON PETITION**  
**UNDER 37 CFR 1.137(b)**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 31, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is February 1, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

A review the file discloses that a petition fee of \$130 and a four month extension of time were submitted on February 29, 2008. There is no fee required to file a renewed petition under 37 CFR 1.137(b). An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$820 extension of time fee submitted on February 29, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee and the petition fee of \$130 by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2623 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read 'B. Brown', with a stylized flourish at the end.

Brian W. Brown  
Petitions Examiner  
Office of Petitions

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FEB 29 2008

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In re Patent Application of:  
David M. Pangrac et al.

Application No.: 09/748,717

Group Art Unit: 2623

Filed: December 22, 2000

Examiner: Saltarelli, Dominic D.

For: System and method for distributing information  
via a communication networkREQUEST FOR CONTINUED EXAMINATION (37 C.F.R. § 1.114)Via fax: (571) 273-8300Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests continued examination under 37 C.F.R. § 1.114. The fee under 37 C.F.R. § 1.17(e) is being submitted herewith. A reply to the Office Action mailed on October 31, 2006 is being concurrently submitted.

Amendment to the Claims begins on page 2

Remarks / Argument begins on page 6

Request for Extension of Time:

Applicant hereby requests under the provisions of 37 CFR § 1.136(a) to extend the period for filing an Appeal Brief in the above identified application for a period of four months. The small entity fee of \$820 is being submitted herewith (37 CFR § 1.17(a)(4)).

Fee Calculation (small entity):

1. RCE fee (§ 1.17(e)).....\$405
2. Extension of time fee for four months (§ 1.17(a)(4)) ....\$820
3. Suspension of action (§ 1.17(i)).....\$130

Total .....1,355

03/03/2008 SSESHE1 00000038 09748717  
03/03/2008 SSESHE1 00000038 09748717  
02 FC:1464 -130.00 OP  
03 FC:2254

820.00  
\$98.00 OP

PAGE 3/11 \* RCVD AT 2/29/2008 4:44:40 AM [Eastern Standard Time] \* SVR:USPTO-EFAXF-4/15 \* DNS:2738300 \* CSID:(716) 504-9671

\* DURATION (mm-ss):06-18

Adjustment date: 03/17/2009 SDIRETA1  
03/03/2008 SSESHE1 00000038 09748717  
03 FC:2254 -820.00 OP

Refund Ref:  
03/17/2009

Credit Card Refund Total:

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